

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ERNEST HALL,

:

Plaintiff : Civil Action 2:09-cv-792

v. : Judge Holschuh

NURSE GOODMAN : Magistrate Judge Abel

Defendant. :

ORDER

On September 16, 2009, the Magistrate Judge performed an initial screening report and recommendation (Doc. 3) pursuant to 28 U.S.C. §1915(e)(2), to identify cognizable claims, and to recommend dismissal of the complaint, or any portion of it, which is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. The Magistrate Judge found that the complaint did not satisfy the requirements of Rule 8(a), Federal Rules of Civil Procedure, that it “contain (1) a short and plain statement of the grounds upon which the court’s jurisdiction depends..., (2) a short and plain statement of the claim showing that the pleader is entitled to relief...” The Magistrate Judge also noted that Plaintiff filed substantially the same action earlier this year in a different division of this Court, and that it was dismissed upon initial screening. *Ernest Hall v. Nurse V, et al.*, 1:09-cv-381 (S. D. Ohio, July 23, 2009 Order). He therefore recommended that this case be dismissed.

Plaintiff did not file any objections to the Report and Recommendation. On October 19, 2009, he filed a second application for leave to proceed *in forma pauperis* (Doc. 10), although he was already granted this status in the Magistrate Judge's screening order.

Given Plaintiff's lack of objection, and on *de novo* review as required by 28 U.S.C. §636(b), I find the report and recommendation well taken. Accordingly, it (Doc. 3) is **ADOPTED**. This action is hereby **DISMISSED**.

Date: October 21, 2009

/s/ John D. Holschuh
United States District Judge